

DEMOCRACY DIALOGUE



Technical Notes From USAID's Global Center for Democracy and Governance ♦ May 2001

USAID's Role

Building on the experience of legislative strengthening programs that date back to post-WWII reconstruction, USAID has assisted lawmaking bodies around the world to function more effectively and better serve the people they represent.

Current program focus may be grouped into the following categories: building support for the legislature's role in governance; increasing representation of citizens; improving technical capacity in lawmaking; enhancing oversight of the executive branch; and ensuring sound management and adequate infrastructure.

Recent Activities

In the past year, USAID's Center for Democracy and Governance has been involved in increasing dialogue about legislative strengthening. The Center produced the *USAID Handbook on Legislative Strengthening* (PN-ACF-632) in February 2000. In June, the second international conference was held (see p. 2 and 3 for conclusions); its findings form the occasional paper *Understanding Representation: Implications for Legislative Strengthening* (PN-ACH-303). For ordering information, contact the USAID Development Experience Clearinghouse [fax: (703) 351-4039 or e-mail: docorder@dec.cdie.org], or visit <http://www.usaid.gov/democracy/pubsindex.html>.

Strengthening Legislatures to Promote Sustainable Democracy

Around the world, democratic institutions are striving to take root in the political and social fabric of developing countries. The growing number of states undergoing these types of transitions is reflected by the fact that the number of people living in freedom is greater today than at any other time in the history of the world (Freedom House, *Freedom in the World: 2000-2001*). The establishment of democratic systems of governance that are responsive to the needs of the citizenry underscores the social and political transformations that must accompany this nascent freedom.

Within systems driven by popular will, effective representation of citizens by government is essential to the health and growth of democracy. However, this role can be challenging, particularly in developing countries where remnants of authoritarian rule often offset the power balance in favor of the executive branch. In such environments, legislatures must assert themselves and encourage the revision of legal frameworks that give substance to their role. The development of legislative capacities in new democracies is one tactical approach that donor assistance can use to help bring about political transformation.

USAID Programming

Although USAID conducted limited legislative development assistance in the 1970s and early 1980s, it was the democratic transitions in Eastern Europe and the former Soviet Union that prompted a proliferation of legislative strengthening programming in the Agency. This assistance sought to address the complex problems the new democracies were facing in their attempts to respond to constituencies and carry out lawmaking functions. Early efforts concentrated on improving power sharing between the executive branch and legislature and developing legislative capacities to research and analyze policy issues.

More recently, Agency programming has highlighted legislatures' responsibilities to voters. Assistance to improve technical capacities such as bill drafting and policy analysis has continued, but emphasis has shifted to improving legislatures' representative roles. Program focus has concentrated on promoting political will and domestic support; enhancing the democratic functions of representation, lawmaking, and oversight; and addressing infrastructure and management. As USAID looks ahead, it is likely that interventions will seek to incorporate more cross-sectoral programming and relationships between local and provincial lawmaking bodies in order to enhance national level activities.

Components of a Successful Assistance Strategy

Through decades of experience, USAID has also been able to identify areas of legislative strengthening assistance that have made progress in shaping legislatures' democratic functions. For example, programming that balances training about the technical capacities needed to make laws with promotion of citizen involvement enhances legislatures' representative capabilities. The experience of Associates in Rural Development (ARD) with the Palestine Legislative Council (PLC) illustrates this point. With funding from USAID, ARD

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Guidance for Donors

Recommendations from the Second International Conference on Legislative Strengthening in Wintergreen, Virginia, June 2000:

Partnerships: Donors should seek to cooperate with legislatures.

Neutrality: Perceptions that donors are not neutral can lead legislatures to question donor intentions.

Attention to country context: Socio-political environments and incentives for legislative actors deserve careful consideration.

Focus on results: Practical focus and realistic expectations best produce results and build trust.

Investment in human resources: Legislators need guidance about using the services of new professional staff trained in legislative strengthening programs.

Diverse support base: Donors' efforts to bring about change require leadership support from a broad coalition of actors.

Flexibility: Project activities must be able to adapt to changing political climates.

Programming alternatives: Initiatives should have space to evolve as understanding of the issues and funding levels change.

Multiple voices for reform: Donors should not be the only impetus for change.

Sharing of experiences: Experts from countries that have undergone legislative modernization command more credibility than do those from donor countries.

Adding Innovation to Standard Approaches

by Rick Stapenhurst, The World Bank Institute

As experience in parliamentary strengthening assistance grows, donors and implementers are beginning to identify emerging patterns in successful assistance strategies. Building on the lessons learned during decades of this type of assistance, the addition of new ideas and innovation to time-tested activities are helping practitioners to sharpen their approaches and incorporate tools and techniques from other disciplines in order to make the impacts of assistance more sustainable and effective. The Laurentian Seminar series provides an example.

In 1997, the World Bank Institute and the Parliamentary Centre of Canada, supported by the Canadian International Development Agency, launched the Laurentian Seminar series in order to facilitate global dialogue and consensus building about the role of parliamentarians in promoting good governance. The seminars employ the widely practiced approach of bringing leaders together at an event to discuss important topics. However, the seminars have also recently incorporated two successful elements from other disciplines into their format.

Using Role Plays to Address Corruption

In 1998 and 1999, the Laurentian Seminar employed basic precepts of adult education methodologies to illuminate the role of parliaments in curbing corruption. Seminar participants were involved in a role play in which they became members of a select committee whose mandate was to produce a handbook about controlling corruption. Officials from the World Bank, leading academics, and representatives from civil society organizations served as expert witnesses in the exercise. The resulting publication, *Controlling Corruption: A Parliamentarian's Handbook*, is now in its second edition and has been translated into French, Arabic, Kymer, Thai, and Bahasa Indonesian; a Spanish version is planned.

With the help of other donors, including the Ministry of Foreign Affairs of the Netherlands and the Department for International Development of the United Kingdom, subsequent regional versions of these corruption seminars were held in Africa, South Asia, and South East Asia. Success of the regional seminars has helped parliamentarians to internalize the lessons of the seminar and has assisted in putting corruption issues on regional agendas. Changing attitudes toward corruption sparked in the seminars can be seen through post-seminar support for the formation of organizations with proactive anti-corruption stances, such as the African Parliamentarian's Network Against Corruption and the Global Organisation of Parliamentarians Against Corruption.

The methodology employed by the seminars sought to engage learners by acting out legislative processes and sharing their own experiences. Its impact was twofold because it helped to raise awareness about corruption issues, and it helped to demonstrate the potential effectiveness of parliamentary processes by using them as a teaching tool. Lessons can be learned from the seminars' efforts to provide meaningful and innovative learning methodologies for adult learners and to create opportunities for collective discussion.

Harnessing Technology to Address Poverty

The 2000 Laurentian Seminar, held in Canada, also took the basic conference-type approach to assistance a step further, this time with the incorporation of multi-media technology. Preceded by a virtual conference, which included some 200 parliamentarians and others in a four-week moderated e-mail discussion group,

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Legislative Behavior and Reform Programs

By Scott Morgenstern, Duke University

As donors and implementers develop assistance programs to promote more effective, responsive, representative, and democratic legislatures, they must pay attention to political systems and how those systems may change legislators' incentives and behaviors. Electoral structures, the party system, the constitution, and other political institutions are basically systems of rules for a particular political game. In order to be successful in the game, politicians need to respond to incentives created by the rules. The rules, therefore, determine legislators' strategies and behaviors.

Political institutions help determine which types of incentives are created for legislators as they organize themselves for business, run in elections, relate to constituents, deal with colleagues, and perform their duties. Therefore, legislative assistance efforts must be compatible with incentives embedded in the rules; running counter to those incentives will limit program effectiveness.

Implications for Assistance in Legislative Strengthening

An example of the need to shape legislative assistance to fit the given political system may be taken from bill-drafting training—a staple of international donor assistance. Such training will be a more effective form of support when proper consideration is given to political systems. There are various aspects of a country's political system that need to be considered, the relationship between the executive and the legislative branches for example.

In countries with presidential systems, legislative committees tend to have a stronger role to play in the lawmaking process because the legislature and the executive are often opposing powers. Committees have the responsibility to develop and revise legislation and also exercise oversight of the executive branch. Legislators are encouraged to take a role in drafting and overseeing legislation in order to maintain good relationships with their constituencies. However, in parliamentary systems, powers of the legislature and the executive are fused, and the development of legislation tends to occur within the executive branch and/or the bureaucracy. The opposition exercises oversight functions, and individual legislators prefer to defer bill drafting to party elites.

Understanding the distinction between these two systems, among other factors, leads to different strategic programming focuses. In a presidential system, legislatures would most likely be better served by bill-drafting training that extends to all legislators and their staffs. On the other hand, assuming equivalent party and electoral systems, training that targets party leadership and their staffs would more likely have greater impact in parliamentary systems.

Other actors in the political system will also interact differently in the two systems. Generally, lobbyists take little interest in talking with rank-and-file legislators in parliamentary systems, since the locus of bill writing takes place in the executive branch and the bureaucracy. This contrasts with how lobbyists act in presidential systems, where their main targets are individual legislators. Hence, focuses will differ when creating programs to develop legislator-lobbyist ties. If other aspects of the political system are the same, assisting interest groups and citizens to lobby individual legislators may create more responsive legislators in a presidential system, but the approach would be less likely to be effective in a parliamentary system. Instead, emphasis in parliamentary systems lends itself to programming that connects party structures to their constituencies.

Indigenous NGOs

Indigenous NGOs can significantly increase local investment in the process of strengthening parliamentary capacities. Often born from programs started by international organizations, indigenous groups have taken a new leadership role in legislative development. Their services are crucial to building sustainable mechanisms for legislative strengthening.

The Center for Legislative Development (CLD) in the Philippines is an example of how international assistance can build local capacity. As the beneficiary of funding and support from a USAID contractor at its inception in 1987, CLD has grown into a dynamic national force in the Philippine legislature. It now solicits funding from diverse sources and has moved from research capacities to greater advocacy for NGOs—even playing a role in the recent presidential impeachment proceedings.

Its position as an indigenous intermediary between the legislature and the citizenry has greatly enhanced authentic representation in the lawmaking process. The CLD's success underlines the importance of local capacity building and appropriate exit strategies in donor assistance.

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IPU Database Taps Legislative Information

The Inter-parliamentary Union (IPU) has developed PARLINE, an on-line database that provides access to information about national legislatures around the globe. Designed to facilitate the sharing of information across international borders, the database uses the Internet to provide users with official facts about every existing national legislature worldwide.

PARLINE contains general information for each country: its parliament chambers, description of the country's electoral system, results of the most recent elections, details on the presidency of each chamber, and specifics about the mandate and status of members of parliament.

The information displayed on PARLINE is regularly updated and is compiled from official information provided by national parliaments, unless otherwise noted. The text of archived documents can be searched. Countries are grouped by geographic region in order to facilitate comparisons between systems. PARLINE can be accessed on the IPU website at <http://www.ipu.org/parline-e/>

Legislative Communities Build Cross-sectoral Linkages

by Sarah Bouchie, Center for Democracy and Governance, USAID

The representational role of legislatures in a democracy is essential to integrating the will of the citizenry into national policy. Therefore, effective legislatures need extensive connections with fellow branches of government and, especially, with their constituencies. Encompassing those constituencies are *legislative communities*, an informal network of organizations and individuals representing the public and private sectors that take an interest in the legislature. A legislative community interacts with a lawmaking body by monitoring its activities, exercising influence over it, and providing services to it.

Made up of representatives from all parts of society, legislative communities are composed of a diverse source of institutional support networks and checks and balances—research institutions that investigate legislative issues, civil society groups that advocate policy agendas, and media outlets that monitor legislative activities and report on developments. Other types of organizations offer assistance and training to build legislative capacity. Individuals, academics, and interest groups are also a part of the network as they contribute to policy dialogue and help promote legislative awareness on specific issues.

Improved Capacity through Larger Legislative Communities

The actors in legislative communities enhance communication, information, and representation of lawmaking bodies by increasing the size and scope of resources available to legislatures. The larger this community, the greater the legislature's capacity to respond to citizens and engage in informed policy dialogue. Examples of interests groups who have influenced legislative action regarding environment, education, health, human rights, and crime prevention issues can be found throughout the world.

For example, in South Africa, the legislative community has helped to draw attention to gender issues. Faith-based organizations, university research centers, academics, NGOs, community groups, and countless individuals have all worked together to bring issues with particular significance for women to the attention of the National Assembly. Through advocacy, research, training, and political pressure of these actors, budget allocation has been affected for health, domestic violence, and labor among other issues.

Implications for Cross-sectoral Programming

Through their investment in such a wide variety of issues, legislative communities help to illustrate the importance of cross-sectoral programming in democracy assistance. The potential that legislative communities have to improve the quality of legislative services and analysis underscores the benefits of integrated approaches to development. It is actors within legislative communities who help to inform lawmaking bodies about cross-cutting issues and ensure representation of citizen views. In this way, democracy assistance that supports the growth of legislative communities can also benefit environment, education, health, or economic growth concerns. Building legislative communities develops support bases for reform in all sectors by expanding communication networks, increasing citizens' access to their representatives, and promoting voices for change.

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Integration of democracy and governance programming with other sector initiatives can be extremely effective in moving development agendas forward. In Mali, cross-sectoral programming has promoted legislative strengthening and economic growth through the formation of special civil society advisory groups that review all proposed legislation on business policy. In Uganda and the Philippines, donor support to national organizations has produced public events on topical issues dealing with under-represented groups and legislative policies and processes. In Zimbabwe, cross-sectoral activities have helped draw attention to conservation issues and allocate funds to preserve natural habitats. In each case, actors outside the government have been moved to provide information to the legislature about the will of the citizenry and the issues that are important to them. As a result, democracy becomes more firmly rooted in society, and gains are made in another sector.

It is widely recognized that integrated approaches to development are more often sustainable, more participatory, and more meaningful for target populations. Programming that seeks to advance the aims of another sector most certainly will come into contact with the legislature at some point. When advocacy and lobbying on behalf of these causes or issues land on the doorstep of the legislature, those activities are helping to improve the vibrancy of legislative communities. In this way, development programming that emphasizes strategic and cooperative efforts can benefit from legislative strengthening programs.

Linkages within Democracy and Governance

Likewise, programming that uses legislative communities to address multiple objectives within democracy and governance can contribute to the development of a stronger legislature as well as an improved rule of law, more vibrant civil society, more transparent elections and political processes, or improved governance. Argentina provides an example where USAID efforts to support sound governance practices and civil society groups, such as Poder Ciudadano, which promotes accountability and transparency, have helped to raise anti-corruption issues in the legislature. The experience illustrates how deliberate efforts to build legislative communities as a piece of other DG initiatives can enhance the aims of multiple objectives of democracy and governance.

In another case, complementary programming in Kyrgyzstan has facilitated the development of the media through the support of a weekly television call-in program. Legislators who appeared on the program have been able to stay better informed about public opinion, and the show has paved the way for similar programs. In Nicaragua, civil society has benefited from the creation of a website that allows the Asamblea Nacional to publicize bill status and other legislative information. In each instance, legislative communities have been expanded, benefiting both the legislative functions of government and at least one other objective of democracy and governance assistance.

A Challenge to Think Strategically

Dynamism created through cross-sectoral programming boosts legislative communities, building relationships and strengthening legislators' ties to their constituencies. In turn, the legislative network of support and knowledge grows, which allows policy change to be more easily implemented in all sectors of development. The culmination of these multiple processes is greater dialogue about national policy and increased access to information for the citizenry. However, although cross-sectoral programming may conceptually seem obvious, these opportunities can be lost without concerted efforts in planning, design, and implementation. Donors and practitioners must actively seek to make these connections and work toward integrated and sustainable approaches to development. □

Using Legislatures to Fight HIV/AIDS

The spread of HIV/AIDS in Africa is moving at a devastating pace, undermining the economic and social well being of large portions of the continent. According to UN statistics, of the over 33 million people living with the disease, 23.3 million of them live in Africa. Compounding the devastation are the insufficient capacities of many governments to address the problem.

Recently, lawmaking bodies demonstrated the power of their role by allocating funds to public awareness campaigns and home-based drug care programs in Zambia; making laws that regulate blood transfusions in Botswana; and passing legislation prohibiting the intentional or reckless spread of HIV in Malawi and Mozambique.

Donors have also recognized the legislatures' role. In 1999, the Inter-parliamentary Union and UNAIDS created the *Handbook for Legislators on HIV/AIDS, Law and Human Rights* to help parliaments enact HIV-related law and policy reform. The handbook provides critical information about the function of law and human rights in responding to the epidemic. It may be accessed at <http://www.unaids.org/publications/documents/>

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helped to arrange seminars for PLC members regarding legislative oversight mechanisms used in other legislatures. The recommendations made during the seminars led to the first public PLC committee hearings. Eventually, the process spurred formal audits of government procurement in the pharmaceutical industry. At least three draft laws resulted from the inquiries, and a demand was created for investigations and public hearings on other matters.

Programs that facilitate communication between policymakers and the public also improve legislative responsiveness to citizen concerns. In South Africa, the National Democratic Institute for International Affairs has used the Internet to link parliaments to provincial legislatures and local government associations, while simultaneously allowing two-way communication between policymakers and the public. In Bulgaria, Management Systems International organized a series of fora that involved the public in the democratic production of a landmark national strategy for small- and medium-enterprise legislation. Additionally, various USAID partners have helped fortify legislators' connections with the public and build local legislative strengthening capacities through work with indigenous organizations, such as the Institute for a Democratic Alternative South Africa, the Centro de Estudios Estratégicos de Nicaragua, and Thailand's King Prajadhipok Institute.

USAID experience also shows that training activities for legislators and their staffs can be successful strategies for improving lawmaking capacities. For example, the International Development Group of the State University of New York (IDG/SUNY) ran a program to work with the Mexican congress, successfully professionalizing staff capabilities to analyze budgets, conduct research, and provide training. IDG/SUNY also paired staff training with public hearings in Uganda to strengthen committee systems and make the legislature more active in reviewing bills, opposing the executive branch, and conducting ethics investigations. In both cases, the skillfully targeted training was aimed at investing in human resources in order to engage national players in legislative activities.

In countries where physical access to information has been limited, rehabilitation of facilities and equipment and the establishment of research services have laid a foundation from which legislatures can perform their responsibilities. Development Alternatives International has assisted the legislature in Romania by providing it with the means (information technology, equipment, and training) to obtain full access to the Ministry of Finance's information on budget preparation. With the benefit of this assistance, the legislature has been more able to provide input and oversight to the government's national budget proposal.

In addition, close cooperation with other democracy and governance programs or other sectors of development, such as health, environment, or education, has increased the sustainability of legislative strengthening programs and their effects. Cross-sectoral programming can address dysfunctional relationships between political parties within the legislature or between parties and their constituents. Political party-building assistance may alleviate such tensions by enabling parties to work together, follow procedures, agree to disagree, or develop mechanisms for public outreach. Likewise, cooperation with environment, health, or other sector initiatives may help to develop legislatures' awareness of citizen concerns and, therefore, strengthen legislatures' ties to the will of the people.

Applying USAID Experiences

Even with the identification of these program components, the formulation of successful legislative assistance strategies varies greatly between contexts. Creative planning and program innovation still have much to offer the field. However, the commonalities of the approaches described above provide insight into which areas donors and implementers might assess when devising their strategies. They also emphasize increasing citizen input and integrating multi-sector approaches in order to promote sustainability and national legislative strengthening capacities. □

“. . . close cooperation with other democracy and governance programs or other areas of development . . . has increased the sustainability of legislative strengthening programs and their effects.”

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the seminar brought together 15 participants and observers from 13 countries to talk about poverty reduction policies. Using video conferencing technology, several seminar presentations originated from elsewhere in the world. The trend is set to continue with regional video conferences scheduled for Africa, the Middle East, and South East Asia during April-May 2001. The seminar has employed a long-standing tool in parliamentary assistance, that of seminars, but by linking it to media technology, the breadth and depth of the discussion have been expanded so that more parliamentarians around the world can benefit from the exercise.

Both examples of adult learning methodology and technological innovation demonstrate how practitioners and donors can improve the quality of widely accepted types of programming by staying abreast of tools and techniques in other areas of development assistance. □

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A similar argument can be made regarding electoral systems. An important distinction among electoral systems is whether voters choose individual legislators or choose party lists. Under “closed list” proportional representation (PR) systems, voters choose among parties but do not typically know which candidates will fill the parties’ spots in the legislature. In other situations, including single member district plurality elections and “open list” PR systems, voters can choose specific legislators.

The two electoral systems have important but different benefits that interact with that government’s type of executive system, whether it is a derivative of presidentialism or parliamentarism. Their varying incentive structures have a tremendous impact on legislators’ perceptions of their constituencies and result in different interests in bill writing, oversight activities, constituency services, and types of committees on which they will seek to participate. Influences in both systems are mediated by the relationship between the executive branch and the legislature. Open list electoral systems encourage legislators to take action more directly for their constituents. In closed list systems, legislators are more responsive to the leader who creates the list than to constituents and are less influenced by powerful lobbyists. These observations illustrate why activities that seek to generate political will and domestic support, promote advocacy programs, or increase oversight activities should target different audiences depending on the system.

Not only do these varying interests indicate which groups should be engaged, but often they also point to where to engage them. For example, supporting efforts to create district-level legislative offices would be much more successful in systems that allow citizens to choose specific legislators at the district-level. Alternatively, in systems that employ closed list PR, legislators may not find district-level offices as useful. In this case, donors would most likely have greater success working with political parties to strengthen their abilities to articulate the interests of their grassroots membership.

Institutional Context Matters

The success of legislative strengthening programs depends on the ability of development assistance to tailor programs to fit different institutional shapes. Many facets of the political system must be taken into consideration. Oversight in systems where the legislature faces a separately elected president will not have the same meaning as strengthening the backbench of a parliamentary system. Similarly, constituency groups cannot expect to articulate their interests in the same way in countries where the electoral system generates independent-minded legislators as in countries where the system produces legislators who owe loyalty to their party leaders. Designing a successful program, therefore, requires accounting for the different needs and interests of the members of a legislature. □

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Democracy Dialogue is published by USAID's Center for Democracy and Governance, which is part of the Bureau for Global Programs, Field Support, and Research.



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Production: Research & Reference Services Project/Academy for Educational Development under contract to USAID.

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